

WELCOME

For information on how your program can utilize the services of the National Sea Grant Law Center, please contact Stephanie Showalter, Director, at sshowalt@olemiss.edu or by phone at (662) 915-7775.

National Sea Grant Law Center

In September, Stephanie Showalter (SGLC Director) attended a NOAA-organized workshop on abandoned and derelict vessels in Miami, Florida. Stephanie presented the results of a survey of state abandoned vessel laws and participated in breakout sessions designed to identify the essential elements of an abandoned vessel program and the challenges to successful implementation. The Law Center's report is available on our website at <http://nsglc.olemiss.edu/Advisory/Abandoned%20Vessel%20State%20Laws.pdf>.

Terra Bowling presented at a ballast water workshop in Detroit on the regulation of ballast water discharges and litigation of state ballast water programs. Representatives from the U.S. Coast Guard, the EPA, state agencies, and the shipping industry attended the meeting.

Sea Grant Law and Policy Journal Call for Abstracts

2010 Symposium Theme: Addressing Uncertainty of Environmental Problems: The Challenges of Adaptive Management.

Adaptive management, or "learning by doing," is frequently promoted as the key to solving a wide variety of environmental problems from declining fish stocks to climate change. Unfortunately, there are a number of significant legal and administrative barriers to the effective implementation of adaptive management regimes that have not been adequately explored by the legal community. The Editorial Board is seeking abstracts of paper topics related to these barriers and other legal challenges posed by the scientific uncertainty inherent in natural systems. Abstracts focusing on applied research, as opposed to theory, and case studies are strongly encouraged.

Abstracts should be 300 words maximum. All abstracts should be based on original, unpublished work. The abstracts should include the title of the paper, author's name, affiliations, and appropriate contact information. They should be submitted electronically in Word format to Stephanie Showalter at sshowalt@olemiss.edu by November 2, 2009. Selected authors will be expected to produce concise, 30 – 35 page, articles based on their abstracts by May 14, 2010 for publication in the June 2010 volume of the Sea Grant Law and Policy Journal. Those selected to publish an article in the Journal must be available to present their papers at the Journal's first symposium, which will be held March 30-31, 2010 in Oxford, Mississippi. Travel awards are available.

Louisiana Sea Grant Law and Policy Program

After receiving requests from area extension agents regarding the Clean Water Restoration Act (CWRA), we assigned one of our law clerks to draft a white paper on the topic. The white paper has recently been completed, and while it is currently available upon request, it will also be published in an upcoming Louisiana Coastal Law newsletter. The white paper begins with a brief history of the Clean Water Act and discusses what waters are considered "protected" under the act and how recent court decisions have impacted the designation of a protected water. The paper then goes on to discuss the CWRA of 2009 (SB 787) and what changes it makes to existing law. The paper concludes by discussing arguments for and against the CWRA.

Jim Wilkins (SGLPP Director) and Melissa Daigle (SGLPP Legal Coordinator) have also been conducting research into the Louisiana Coastal Zone Boundary line and its possible redefinition as part of their roles on the Louisiana Coastal Zone Boundary Advisory Committee. Preliminary research examined the coastal zone boundaries and management plans of five states, including South Carolina, Texas, Illinois, North Carolina, and Alaska. This background research has provided us with many ideas for possible options for the Louisiana Coastal Zone Boundary, including possible tiered plans that have worked with success in other coastal states.

Our law clerks also started working on a number of new research projects during September. Two of those projects involve Bayou St. John in New Orleans. The first examines the legal restrictions and implications of releasing adult waterfowl into the bayou. The second examines the ability of the New Orleans City Park and the Bayou St. John Conservation Alliance to place water-monitoring devices in the bayou. These devices were placed at various locations in order to monitor surface elevation and salinity in real time, among other things. If the water rises too fast, the devices alert officials who can open gates to prevent flooding of the neighboring properties. However, a handful of property owners have complained about the devices being eyesores and interrupting their view of the bayou. The research paper examines the history of the bayou and its navigability designation and other legal issues such as trespass, property damage, and permitting. We are continuing research into the placement of a boat slip in Terrebonne parish off of the Intracoastal Waterway, with this round of research focusing specifically on servitudes granted to the parish for drainage improvements. Another new projects involves looking to marine debris located on oyster leases and the classification of this property as private or public for federal aid purposes.

Jim and Melissa are also both members of the Center for Natural Resource Economics & Policy. CNREP is pleased to announce that it will be holding its 3rd National Forum on Socioeconomic Research in Coastal Systems May 26-28, 2010, in New Orleans. We will provide more details as they become available, but you can also check the website: www.cnrep.lsu.edu.

Mississippi-Alabama Sea Grant Legal Program

In September, MASGLP conducted a workshop in Mobile, Ala. The workshop addressed formation of non-profit land trusts in Alabama and discussed the distinctions between holding lands in fee simple versus conservation easements. Attendees included coastal Alabama non-profit managers.

MASGLP finalized the agenda for an upcoming CLE entitled "Post-Katrina Insurance Developments & Other Legal Issues" to be held October 30 in Biloxi, Mississippi. More information on the event can be found at <http://masglp.olemiss.edu/postkatrinaCLE.pdf>.

Our law clerks began research on two ongoing projects in September. One project will develop an "Accessing the Coast" website for Mississippi and Alabama, modeled after the website created by Maine. Another student began researching Alabama emergency authority on a variety of issues. This information will be used in preparing a Disaster Handbook for local attorneys. Niki Pace is reviewing similar information for Mississippi compiled by our summer law clerk and conducting additional research.

MASGLP also began preparation for the November edition of Water Log. Article assignments were distributed and review of initial drafts got underway.

North Carolina Coastal Resources Law, Planning and Policy Center

In September 2009, the *North Carolina Law Review* published an article authored by Center co-directors Lisa Schiavinato and Joe Kalo. The article, "Wind Over North Carolina Waters", focuses on the law and policy framework and obstacles to wind energy development in North Carolina's coastal waters and in adjacent federal waters. An electronic version of the article is on the Center's website at www.nccoastallaw.org. The Center also published an issue of the *Legal Tides* newsletter in September. The newsletter focuses on the contentious use of sandbags by homeowners to slow the impacts of erosion along the North Carolina coast and explores the complex legal and policy issues that spring forth from long-term use of what state regulations intend to be at temporary erosion control measure. An electronic version of the newsletter is also available at the Center's website.

This past summer, the final report of the UNC Wind Feasibility Study team in which the Center was a partner, "Coastal Wind: Energy for North Carolina's Future" (the report is available at <http://www.climate.unc.edu/coastal-wind>) was submitted to the NC General Assembly. A significant impact of this project is that it led to the NC General Assembly appropriating funds for a wind energy demonstration project of up to three wind turbines off the North Carolina's Outer Banks. The purpose of the demonstration project is conduct studies to optimize measuring and predicting the wind as an energy resource, quantify ecological impacts and demonstrate turbine performance in tropical storm conditions. A public forum and news conference took place in Buxton, NC in September to educate citizens about the demonstration project and provide them with an opportunity to ask questions. NC Governor Beverly Purdue attended the event. For more information about the demonstration project and UNC's agreement with Duke Energy, please see <http://uncnews.unc.edu/content/view/2948/107/>.

Another impact from the Center's participation in this study is that former Center research law fellow Brandon Dhande, a recent UNC School of Law grad that assisted the Center in its research for "Coastal Wind: Energy for North Carolina's Future", was hired by the general counsel's office of UNC-Chapel Hill. One of his job duties with UNC-Chapel Hill was to assist them in developing the agreement UNC reached with Duke Energy to construct and operate a wind energy demonstration project in Pamlico Sound. Mr. Dhande's hire was based on the work he did for the Center for the UNC Wind Feasibility study.

The Center also lends itself as a resource to law students and recent law school graduates who are interested in pursuing careers in ocean and coastal law. This month, the Center was a resource for a third-year law student from Wake Forest University law school (Winston-Salem), as he prepares for graduation and explores his career options in ocean and coastal law.

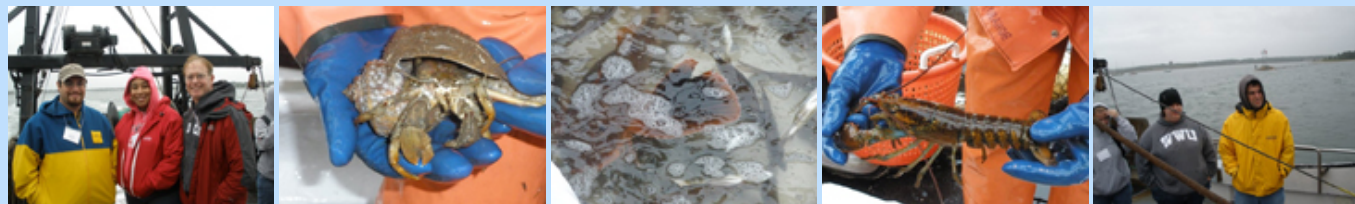
Rhode Island Sea Grant Legal Program

Marine Affairs Institute Advisory Board

The Roger William University's Marine Affairs Institute, which houses the RISGLP, will hold the first meeting of its newly established Advisory Board on Friday, October 30, 2009. Comprised of maritime and marine resource legal experts from New England, the Board provides the Institute advice and guidance to ensure the Institute's programs are providing top-quality educational opportunities for the next generation of ocean and coastal leaders, its programs are relevant and responsive to the needs of the professional community, and its outreach and fundraising capacity is supported. The Institute's current board members are available at <http://law.rwu.edu/sites/marineaffairs/advisoryboard/>.

Meet the Bay Field Trip

An intrepid group of law students braved some wet New England weather recently. The boat trip held on Friday, September 11 for incoming first year students aboard the University of Rhode Island research vessel, the *Cap'n Bert*, was a great success, providing students a hands-on opportunity to become more familiar with the aquatic life of Narragansett Bay. Pictures from the trip are below:



Student Roundtable Luncheon

The Institute's series of roundtable luncheons continues on October 23 with a discussion on *International Marine Affairs Issues*. Lauren Engel '09 will speak on her internship with the International Tribunal of the Law of the Sea in Hamburg, Germany, and Gavin Black '10, will present his experience this past summer as an intern at the headquarters of the International Maritime Organization in London, England. Both students are currently enrolled in the RWU Marine Affairs Joint Degree Program with the University of Rhode Island, and will receive both a J.D. from the law school and a Master of Marine Affairs degree from UR

Interagency Ocean Policy Task Force

On June 12, 2009, President Obama issued a Presidential Memorandum that calls for the development of a national ocean policy and implementing strategies. The memorandum established the interagency task force that will provide recommendations to the President within 90 days. The only public hearing on the East Coast was convened by the Task Force on September 24th in Providence, Rhode Island at which Director Susan Farady presented testimony. Her testimony is available at <http://law.rwu.edu/sites/marineaffairs/news/>.

Additional information is available at the Council on Environmental Quality's website at <http://www.whitehouse.gov/administration/eop/ceq/initiatives/oceans/>.